

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**JOHN w. FERRON,**

**Plaintiff,**

**v.**

**METAREWARD, INC., et al.,**

**Defendants.**

**Case No. 2:09-cv-430**

**JUDGE GREGORY L. FROST**

**Magistrate Judge Mark R. Abel**

**JOHN w. FERRON,**

**Plaintiff,**

**v.**

**ADTERACTIVE, INC., et al.,**

**Defendants.**

**Case No. 2:09-cv-440**

**JUDGE GREGORY L. FROST**

**Magistrate Judge Mark R. Abel**

**JOHN w. FERRON,**

**Plaintiff,**

**v.**

**AZOOOGLE.COM, INC., et al.,**

**Defendants.**

**Case No. 2:09-cv-512**

**JUDGE GREGORY L. FROST**

**Magistrate Judge Mark R. Abel**

**JOHN w. FERRON,**

**Plaintiff,**

**v.**

**SEARCH CACTUS, LLC, et al.,**

**Defendants.**

**Case No. 2:09-cv-513**

**JUDGE GREGORY L. FROST**

**Magistrate Judge Mark R. Abel**

**JOHN w. FERRON,**

**Plaintiff,**

**v.**

**WORLD AVENUE HOLDINGS, LLC, et al.,**

**Defendants.**

**Case No. 2:09-cv-520**

**JUDGE GREGORY L. FROST**

**Magistrate Judge Mark R. Abel**

**ORDER**

This matter is before the Court for consideration of the August 7, 2009 Joint Motion of Plaintiff John W. Ferron and Defendant MetaReward, Inc. to Dismiss With Prejudice Plaintiff's Claims Against Defendant MetaReward, Inc. (Doc. # 26.) Although this motion seeks dismissal pursuant to Federal Rule of Civil Procedure 41—presumably Rule 41(a)(2), specifically—the Sixth Circuit has suggested, without conclusively deciding the issue, that dismissal of all claims against a single defendant should be pursuant to Federal Rule of Civil Procedure 21. *See Letherer v. Alger Group, L.L.C.*, 328 F.3d 262, 265-66 (6th Cir. 2003), *recognized as overruled on other grounds in Blackburn v. Oaktree Capital Mgmt., LLC*, 511 F.3d 633, 636 (6th Cir. 2008). *See also AmSouth Bank v. Dale*, 386 F.3d 763, 778 (6th Cir. 2004).

The Court assumes that the parties intended to effectuate the joint dismissal properly and

recognizes that motions are to be construed by their substantive content and not by their labels.

Therefore, construing Plaintiff's filing as an unopposed motion for dismissal under Rule 21, the

Court **GRANTS** the motion and **DISMISSES WITH PREJUDICE** the claims against

MetaReward, Inc. (Doc. # 26.)

**IT IS SO ORDERED.**

/s/ Gregory L. Frost  
GREGORY L. FROST  
UNITED STATES DISTRICT JUDGE